



Housing Authority of the Cherokee Nation
1500 Hensley Drive
P.O. Box 1007
Tahlequah, OK 74465-1007
Phone 918-456-5482



REQUEST FOR PROPOSALS
LAND SURVEYING
Solicitation ID 2016-001-105

The Housing Authority of the Cherokee Nation of Oklahoma (HACN) is accepting proposals from qualified individuals or firms to provide Land Surveying (including perc tests) within the Cherokee Nation Jurisdictional Boundaries (HACN Service Area). Information necessary for submission of proposals may be picked up at the Housing Authority of the Cherokee Nation, Procurement Department, 4986 S. Muskogee Avenue, Tahlequah, Oklahoma (4 Bedroom Model Home) between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Or, you may call Delana Kimble at 918-456-5482 ext. 1156 if you would like to request that a packet be mailed to you. You may also request an e-mail copy from: delana.kimble@hacn.org or tracie.cochran@hacn.org. A copy of all necessary information is also available on www.cherokeebids.org.

Proposals may be mailed to the Housing Authority of the Cherokee Nation of Oklahoma, P.O. Box 1007, Tahlequah, Oklahoma, 74465-1007, or hand delivered to 4986 S. Muskogee Ave., Tahlequah, Oklahoma 74464 (4 Bedroom Model Home). Proposals must be received on or before **Thursday, September 8, 2016 at 4:00 P.M.** No proposal will be accepted after the specified deadline. Proposals must be clearly marked, "PROPOSAL - QUALIFICATIONS, LAND SURVEYING, DO NOT OPEN." It is the offeror's responsibility to ensure delivery by **Thursday, September 8, 2016 at 4:00 P.M.**

Proposals will be accepted from Tribal, Indian, and Non-Indian Offerors. Tribal and Indian preferences will be given ONLY to offerors who provide current certification from the Tribal Employment Rights Office (TERO) located at the Cherokee Nation of Oklahoma, P. O. Box 948, Tahlequah, Oklahoma, 74465 - telephone number (918) 453-5000. Failure to submit the TERO certification with the proposal, or within three (3) days of the deadline, may result in denial of Indian Preference. This contract is subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act, which requires in part that to the greatest extent feasible, preference in the award of contracts and subcontracts shall be given to Indian Organizations and Indian Owned Economic Enterprises.

The Housing Authority of the Cherokee Nation reserves the right to determine a proposal acceptable in terms of meeting RFP requirements. The HACN reserves the right to accept or reject any and all proposals received and may negotiate with offeror(s) regarding the terms of their proposals or parts thereof. The Housing Authority of the Cherokee Nation reserves the right to award a contract(s) for proposals that are in the best interest of the HACN, including but not limited to the total cost and capability of the offeror. The HACN may award contracts to more than one offeror.

STATEMENT OF WORK

OBJECTIVE

The Housing Authority of the Cherokee Nation of Oklahoma is soliciting proposals from individuals and/or firms interested in providing Land Surveying (including perc tests) for the Housing Authority. The successful offeror(s) will be required to enter into a contract with the Housing Authority of the Cherokee Nation to provide said services, and beginning within approximately 1 day of contract signing. This will be for a one-year engagement with the option to renew annually for two additional years.

SCOPE OF WORK

The contract for Land Surveying shall be for a period not to exceed one (1) year. If it is determined to be in the best interest of the HACN, this contract may be extended annually for two additional 1-year periods, but will not exceed a period of three (3) years total. Each extension must be in written form as a contract extension.

The Contractor will be required to provide the following:

- Land Surveying Services (including, but not limited to, Boundary Survey, Easement Survey, and Mortgage Inspection Survey) and perc tests.
- Sites may be located in:
 - rural un-platted areas
 - rural platted areas
 - platted subdivisions
 - cities and towns
- Sites may be located within every county of the Cherokee Nation Jurisdictional Boundaries (HACN Service Area), to include:
 - Adair
 - Cherokee
 - Craig
 - Delaware
 - Mayes
 - McIntosh
 - Muskogee
 - Nowata
 - Ottawa
 - Rogers
 - Sequoyah
 - Tulsa
 - Wagoner
 - Washington

PROPOSAL EVALUATION

Each responsive proposal will be individually evaluated on the information and documentation provided in the proposal in accordance with the evaluation factors contained in this RFP. Proposals will be

evaluated on the firm's administrative technical merits, qualifications, experience, ability to meet required schedules, prices and Tribal/Indian Preference. After scores have been completed, negotiations will be conducted as deemed necessary by the HACN.

Additional Instructions to Offerors

1. Offerors must submit an original and two copies of their qualifications to:

The Housing Authority of the Cherokee Nation
ATTN: Delana Kimble
P.O. Box 1007
Tahlequah, OK 74465

Or they may be hand delivered to:
4986 S. Muskogee Ave. (4 Bedroom Model Home)
Tahlequah, OK 74464

2. All costs in connection with the preparation and submission of proposals shall be paid by the offeror.
3. It is the intention of the HACN to make this RFP, the successful offeror's proposal, and any written correspondence a part of the contract.
4. The Housing Authority of the Cherokee Nation reserves the right to determine a proposal acceptable in terms of meeting RFP requirements. The Housing Authority reserves the right to accept or reject any and all proposals received and may negotiate with offerors regarding the terms of their proposals, final contract, or parts thereof. The Housing Authority of the Cherokee Nation reserves the right to award a contract for proposals that are in the best interest of the Housing Authority of the Cherokee Nation.
5. The proposal shall contain all required attachments, forms and documentation as outlined in the solicitation documents.

EVALUATION FACTORS

All proposals will be evaluated individually on their administrative technical merits.

Offeror must provide a general summary of the items requested below and the names and contact information of 3 references that may be contacted for references.

Rating factors and their values are as follows:

- 1. Ability to perform the work** **MAX: 10 points** _____

Evidence of the individual or firm's ability to perform the work as indicated by profiles of the principals, the staff's professional and technical competence and experience related to land surveying matters. To obtain the maximum points, the offeror should provide evidence they specialize and are registered to perform such work within the State of Oklahoma.
- 2. Experience** **MAX: 20 points** _____

Evidence showing offeror has provided land surveying services within the fourteen county jurisdictional area of the Cherokee Nation.
- 3. Credentials and insurance** **MAX: 10 points** _____

Evidence that the offeror has the necessary credentials to perform land surveying work in the state of Oklahoma. Provide proof of Errors and Omission/Liability insurance.
- 4. Previous participation with Indian Housing Authorities or Indian Tribes.** **MAX: 15 points** _____

Documentation provided to show previous participation with Indian Tribes or Indian Housing Authorities.
- 5. Time to Completion** **MAX: 30 points** _____

Provide attachment on the estimated amount of time to complete a request for land surveying activities for each county listed on attached sheet; this document will become part of the contract. Failure to meet expected timelines will result in the HACN contracting with the next best offeror for services.
- 6. Tribal / Indian Preference** **MAX: 15 points** _____

Proposal includes current TERO certification or other confirmation that the business is eligible for Indian Preference.

Total Points **100 points**

ESTIMATED COMPLETION TIMES

We estimate that the amount of time to complete services, at minimum, from the date of request to be as follows:

Adair County	_____ days
Cherokee County	_____ days
Craig County	_____ days
Delaware County	_____ days
Mayes County	_____ days
McIntosh County	_____ days
Muskogee County	_____ days
Nowata County	_____ days
Ottawa County	_____ days
Rogers County	_____ days
Sequoyah County	_____ days
Tulsa County	_____ days
Wagoner County	_____ days
Washington County	_____ days

Estimated time to completion may vary based on the number of requests received. However, this is our best estimate under normal circumstances.

PREPARATION OUTLINE

- I. Attachments (*these must be submitted with proposals to be considered responsive*) *all other documents required for the purpose of obtaining points during the evaluation process are the responsibility of the offeror.*
- a. Preparation Outline (This form)
 - b. Offeror's Proposal (Original and 2 copies)
 - c. HACN Work History form and HUD 2530 Previous Participation
 - d. Non-Collusive Affidavit
 - e. HUD 5369-C Certifications and Representations of Offerors
- III. To receive Indian preference, offerors must submit with the proposal, or within 3 days of deadline:
- a. Indian Preference - a current TERO Certificate or letter as Cherokee Owned
- III. Documents the successful offeror will be required to complete and submit:
- a. W-9 form (provided by HACN)
 - b. New contractors must complete a Vendor Registration form (provided by HACN)

SPECIAL INSTRUCTIONS

****Be advised that all responsive proposals will be evaluated as outlined in this solicitation packet.**

Authorized Signature/Title

Company Name

Contact Phone Number(s)

Date

Housing Authority of the Cherokee Nation

PREVIOUS WORK HISTORY FORM

NOTE: This form is a required submission from each bidder/officer and is the HHCN's documentation to determine responsible bidder/officers. In the spaces below complete all information requested, providing all telephone numbers and any available facsimile numbers for all employers, companies and vendors listed. In the disclosure space enter any defaults, assignments or foreclosures.

Employee Company name, address, phone & fax	Contact Amount	Amt. & Date of Units	Description type of work performed/completed provide length & complete dates	Duties/responsibilities	Candidate's Current & previous positions held related to placement

Please attach additional sheets as required to sufficiently provide a minimum of _____ years work history.

Previous Participation Certification

OMB Approval No. 2502-0118
(Exp. 05/31/2019)US Department of Housing and Urban Development
Office of Housing/Federal Housing CommissionerUS Department of Agriculture
Farmers Home Administration

Part I to be completed by Principals of Multifamily Projects (See Instructions)

For HUD HQ/FmHA use only

Reason for submission:		2. Project Name, Project Number, City and Zip Code	
1. Agency name and City where the application is filed		5. Section of Act	
3. Loan or Contract amount \$	4. Number of Units or Beds	6. Type of Project (check one) <input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)	

7. List all proposed Principals and attach organization chart for all organizations

Name and address of Principals and Affiliates (Name: Last, First, Middle Initial) proposing to participate	8 Role of Each Principal in Project	9. SSN or IRS Employer Number

Certification: The principal(s) listed above hereby apply to HUD or USDA FmHA, as the case may be, for approval to participate as principal(s) in the project(s) and project listed above. The principal(s) each certify that all the statements made on this form are true, complete and correct to the best of their knowledge and belief and are made in good faith, including any Exhibits attached to this form. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. The principal(s) further certify that to the best of their knowledge and belief:

1. Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA, FmHA and/or State and local government housing finance agencies in which the principal(s) have participated or are now participating.
2. For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
 - a. No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgage;
 - b. The principal(s) have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
 - c. There are no known uncorrected findings as a result of HUD audit, management reviews or other Governmental investigations concerning the principal(s) or their projects;
 - d. There has not been a suspension or termination of payments under any HUD assistance contract due to the principal's fault or negligence;
 - e. The principal(s) have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony; (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
 - f. The principal(s) have not been suspended, declared or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
 - g. The principal(s) have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
 - h. All the names of the principals who propose to participate in this project are listed above;
 - i. None of the principals is a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B;
 - j. None of the principals is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA;
 - k. None of the principals have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 C.F.R. 3.105(a). (If any principals or affiliates have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any);
 - l. None of the principals is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America;
 - m. Statements above (if any) to which the principal(s) cannot certify have been detected by signing through the words with a pen, and the relevant principal(s) have initiated each decision (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

Name of Principal	Signature of Principal	Certification Date(mm/dd/yyyy)	Area Code and Tel. No.
This form prepared by (print name)		Area Code and Tel. No.	

Previous editions are obsolete

Schedule A: List of Previous Projects and Section 8 Contracts. Below is a complete list of the principals' previous participation projects and participation history in multifamily Housing programs of HUD/FmHA, State and local Housing Finance Agencies. Note: Read and follow the instruction sheet carefully. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If no previous projects, write by your name, "No previous participation, First Experience".

1. Principal's Name (Last, First)	2. List of previous projects (Project name, project ID and, Govt. agency involved)	3. List Principal's Roles (indicate dates participated, and if for or identity of interest participant)	4. Status of loan (current, defaulted, assigned, foreclosed)	5. Was the Project ever in default during your participation Yes No If yes, explain	6. Last MCR rating and Physical Imp. Score and date

Part II- For HUD Internal Processing Only

Received and checked by us for accuracy and completeness; recommend approval or refer to Headquarters after checking appropriate box.

Date (mm/dd/yyyy)	Tel No. and area code
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Use (mm/dd/yyyy)	1st No. and area code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approved <input type="checkbox"/> B. Name match in system <input type="checkbox"/> C. Disclosure or Certification problem <input type="checkbox"/> D. Other (attach memo/info)	
Staff	Processing and Control	Director of Housing/ Director, Multifamily Division	Approved <input type="checkbox"/> Yes <input type="checkbox"/> No Date (mm/dd/yyyy)
Supervisor			

<p>Instructions for Completing the Previous Participation Certificate, form HUD-2530</p> <p>Carefully read these instructions and the applicable regulations. A copy of these regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.</p> <p>Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record.</p> <p>Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.</p> <p>Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underlying standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA, FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.</p>	<p>partnerships, corporations, trusts, non-profit organizations, any other public or private entity that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, manager, agent, nursing home administrator or operator, package, or consultant. Architects and attorneys who have any interest in the project other than an arm's length fee arrangement for professional services are also considered participants by HUD.</p> <p>In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.</p> <p>Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.</p> <p>Exception for Corporations - All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is full disclosure.</p> <p>Examples - The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies; tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.</p> <p>Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:</p> <ul style="list-style-type: none"> • Projects to be financed with mortgages insured under the National Housing Act (FHA). • Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and 	<p>Handicapped).</p> <ul style="list-style-type: none"> • Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213. • Purchase of a project subject to a mortgage insured or held by the Secretary of HUD. • Purchase of a Secretary-owned project. • Proposed substitution or addition of a principal or principal participation in a different capacity from that previously approved for the same project. • Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more. • Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rural assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies. Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination. 	<p>identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code.</p> <p>Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.</p> <p>Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."</p> <p>Block 5: Fill in the section of the Housing Act under which the application is filed.</p> <p>Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File..."</p> <p>Block 8: Beside the name of each principal, fill in the appropriate role. The following are examples of possible roles that the principals may assume: Owner/Mortgagee, Managing Agent, Sponsor, Developer, General Contractor, Package, Consultant, Nursing Home Administrator, etc.</p> <p>Block 9: Fill in the Social Security Number or IRS employer number of every principal listed, including affiliates.</p>
<p>HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.</p> <p>Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.</p> <p>Who Must Sign and File Form HUD-2530:</p> <p>Form HUD-2530 must be completed and signed by all principals applying to participate in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.</p> <p>Principals include all individuals, joint venturers,</p>	<p>Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:</p> <ul style="list-style-type: none"> • Projects to be financed with mortgages insured under the National Housing Act (FHA). • Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and 	<p>If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.</p> <p>Specific Later Instructions:</p> <p>Reason for submitting this Certification: e.g., refinancing, change in ownership, change in management agent, transfer of physical assets, etc.</p> <p>Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.</p> <p>Block 2: Fill in the name of the project, such as "Greenwood Apt." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include all project or contract</p>	<p>Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.</p> <p>Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."</p> <p>Block 5: Fill in the section of the Housing Act under which the application is filed.</p> <p>Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File..."</p> <p>Block 8: Beside the name of each principal, fill in the appropriate role. The following are examples of possible roles that the principals may assume: Owner/Mortgagee, Managing Agent, Sponsor, Developer, General Contractor, Package, Consultant, Nursing Home Administrator, etc.</p> <p>Block 9: Fill in the Social Security Number or IRS employer number of every principal listed, including affiliates.</p> <p>Instructions for Completing Schedule A:</p> <p>Be sure that Schedule A is filled in accurately, accurately and the certifier is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated must be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required.</p> <p>Column 2: All previous projects must be listed or your certification cannot be processed. Include the name of all projects, project number, city where it is located and the governmental agency (HUD, USDA-FmHA or state or local housing finance agency) that was involved.</p> <p>Column 3: List the role(s) as a principal, dates participated and if for or identity of interest (OI) with owners.</p>

Column 4, indicate the current status of the loan. Except for current loans, the date associated with the status is required. In the box below the statement of the certification, Loans under a workout arrangement are considered assigned. Fill in the names of all principals and affiliates as listed in block 7. Each principal should sign the certification with the exception in some cases of individuals associated with a corporation (see "Exceptions for Corporations" in the section of the Instructions titled "Who Must Sign and File From Your Record, and then sign and certify").

Column 5, Explain any project details during your participation. HUD-2530, Principal who is signing on behalf of the entity. Attach a signed statement of explanation of the items you have struck out on the certification. Item 2c relates to felony convictions within the past 10 years. If you are convicted of a felony within the past 10 years, strike out 2c, and attach statement of explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unmanageable risk from the underwriting stand point of an investor, lender or governmental agency.

Column 6, Provide the latest Management Review (MCR) HUD-2530, Principal who is signing on behalf of the entity. Attach a signed statement of explanation of the items you have struck out on the certification. Item 2c relates to felony convictions within the past 10 years. If you are convicted of a felony within the past 10 years, strike out 2c, and attach statement of explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unmanageable risk from the underwriting stand point of an investor, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 C.F.R. 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations that will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish their Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

A response is mandatory. Failure to provide any of the information will result in your disapproval of participation in this HUD program.

NON-COLLUSIVE AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, being duly sworn, deposed and says: that he/she is

a partner or officer of the firm of _____,

the party making the foregoing proposal, that such proposal is genuine and not collusive or sham; that said offeror has not colluded, conspired, connived, or agreed, directly or indirectly with any offeror or person, to put in a sham bid or to refrain from bidding, and has not in any manner directly or indirectly, sought by agreement or collusion or communication or conference with any person to fix the bid price of affiant or any other offeror, or to fix overhead, profit, or cost element of said bid price, or that of any other offeror, or to secure any advantage against the Housing Authority of the Cherokee Nation, or any person interested in the proposed contract; and that all statements in said proposal are true.

Signed _____

(Name of offeror, if an individual)

(Name of partner, if a partnership)

(Name of officer, if a corporation)

Subscribed and sworn to before me this _____ day of _____, 20____.

My commission expires _____, 20_____.

Notary Public Signature: _____

Commission Number: _____

Certifications and Representations of Offerors Non-Construction Contract

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.38, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offers to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

1. Contingent Fee Representation and Agreement

(a) The bidder/offers represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offers, the bidder/offers:

- (1) ☐ has, ☐ has not employed or retained any person or company to solicit or obtain this contract; and
- (2) ☐ has, ☐ has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offers shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offers shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offers represents and certifies as part of its bid/offer that it:

- (a) ☐ is, ☐ is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
- (b) ☐ is, ☐ is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
- (c) ☐ is, ☐ is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- | | |
|---|---|
| <input type="checkbox"/> Black Americans | <input type="checkbox"/> Asian Pacific Americans |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans |
| <input type="checkbox"/> Native Americans | <input type="checkbox"/> Hasidic Jewish Americans |

3. Certificate of Independent Price Determination

(a) The bidder/offers certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offers or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offers, directly or indirectly, to any other bidder/offers or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the bidder/offers to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the bidder/offers's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of persons) in the bidder/offers's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offers's organization);
(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

- (iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.
- (c) If the bidder/offeree deletes or modifies subparagraph (a)2 above, the bidder/offeree must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

4. Organizational Conflicts of Interest Certification

- (a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:
- (i) Award of the contract may result in an unfair competitive advantage;
 - (ii) The Contractor's objectivity in performing the contract work may be impaired; or
 - (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.
- (b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.
- (c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.
- (d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Signature & Date:

Typed or Printed Name:

Title: